THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:10-02-2006

WRIT PETITION No. 2434 OF 2006

BETWEEN:

Sykam Narasimha Reddy.

…Petitioner

And

The Commissioner, Kadapa Municipal Corporation, Kadapa & others.

…Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus, declaring the action of the respondents in trying to demolish the buildings/structures of the petitioner situated at door No.2/290-6 and 2/290-7 of Chemmumiahpet, Kadapa Town of Kadapa District, without following due process of law as arbitrary, illegal and

unconstitutional.

The petitioner submits that he is the owner of the building bearing door Nos.2/290-6 and 2/290-7 in an extent of 0.07 cents in Sy.No.559/E of Chemmumiahpet village, Kadapa Mandal and Kadapa town. It is stated that he constructed sheds with Asbestos sheets and given on lease to S.G.G.High School. It is stated that the said land is sought to be demolished pursuant to the notice No.232-2006, dated 19-01-2006 issued by the first respondent.

Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

The learned counsel appearing for the first respondent submits that in fact a notice has been issued in respect of the illegal encroachment of the land in Sy.No.559/2A of Chemmumiahpet village, Kadapa town at Buggavanka in an extent of 468 Sq.yards and therefore, the said S.G.G. High School was directed to remove the illegal encroachments within 15 days.

The learned counsel appearing for the petitioner submits that the petitioner is not the owner of the land in Sy.No.559/2A, but his structures are situated in Sy.No.559/2E.

Having regard to the facts and circumstances of the case, the first respondent is directed not to demolish the structures of the petitioner situated in Sy.No.559/2E without following due procedure prescribed under law and at the same time, it is open for the respondents to take appropriate action pursuant to the notice dated 19-1-2006 to remove the encroachments in respect of Sy.No.559/2A if there are any encroachments in the said land.

The writ petition is disposed of accordingly. No costs.

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V.ESWARAIAH,J

Date: 10-02-2006.

Shr.